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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,515	07/25/2003	Lee E. Cannon	29757/P-834	3255
4743	7590	05/16/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			KIM, ANDREW	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,515	Applicant(s) CANNON, LEE E.	
	Examiner Andrew Kim	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/25/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/03 12/1/03</u> <u>11/18/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinek et al. (WO 03/045519), "Martinek" in view of Rackman (US 4,670,857), "Rackman".

Claims 1, 19, 32, 38, 39, 42 and 46: Martinek discloses an apparatus:

- a display unit(pg. 24, line 27);
- a value input device(pg. 24, line 27);
- a controller operatively coupled to said display unit and said value input device, said controller comprising a processor and a memory operatively coupled to said processor (pg. 25, lines 10, 11 and lines 27-31),
- said controller being programmed to receive downloadable gaming data from a data storage device external to said gaming apparatus(pg. 27, lines 11-19);
- said controller being programmed to receive encrypted gaming data from said data storage device, said encrypted gaming data having been generated by performing a hash function on gaming data to form a first message digest and by encrypting said first message digest utilizing a private encryption key of a gaming data authoring organization and a private encryption key of a gaming regulatory organization(pg. 27, line 13 – pg. 28, line 7);
- said controller being programmed to decrypt said encrypted gaming data utilizing a public encryption key of said gaming data authoring organization and a public encryption key of said gaming regulatory organization to form a decrypted message digest(pg. 29, lines 21-25);

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- said controller being programmed to perform a hash function on said downloadable gaming data to generate a second message digest(pg. 27, lines 30-33 and pg. 30, lines 18-25); and
- said controller being programmed to compare said decrypted message digest with said second message digest to determine if said downloadable gaming data is authorized(pg. 27, line 30-33 and pg. 30, lines 18-25).

Martinek does not disclose double encryption as claimed. Instead, Martinek teaches single encryption (pg. 27, line 13 – pg. 28, line 7) and authentication from both a regulatory agency (pg. 30, lines 26-28) and a game code manufacturer (pg. 31, lines 1-2). In an analogous game security reference, Rackman (col. 6, lines 1-13) teaches doubly encrypting the message to insure both privacy and authentication. One of ordinary skill in the art would have seen the benefit of double encryption because it allows the receiver to authenticate the transmitter and the transmitter to allow only the receiver to decrypt the message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Martinek with double encryption as taught by Rackman to insure both privacy and authentication.

Claim 2: Martinek discloses an apparatus wherein said data storage device comprises a portable data storage medium on which said downloadable data was stored when said portable data storage medium was at a location external to said gaming apparatus and

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wherein said portable data storage medium is physically moved so that it is operatively coupled to said gaming apparatus in order to transfer said downloadable gaming data to said controller (pg. 26, lines 19-30).

Claims 3, 21, 44, and 48: Martinek discloses an apparatus wherein-said controller is programmed to receive downloadable gaming data that comprises substantially all gaming data that is necessary to facilitate play of a casino game (pg. 26, lines 15-18).

Claims 4, 22, 33, 40, and 41: Martinek does not disclose an apparatus wherein said controller is programmed to receive from said data storage device encrypted gaming data that was generated by triply encrypting said first message digest utilizing said private encryption key of said gaming data authoring organization, said private encryption key of said gaming regulatory organization, and a private encryption key of a casino, and wherein said controller is programmed to triply decrypt said encrypted gaming data utilizing said public encryption key of said gaming data authoring organization, said public encryption key of said gaming regulatory organization, and a public encryption key of said casino to form said decrypted message digest.

Instead, Martinek teaches single encryption (pg. 27, line 13 – pg. 28, line 7) and authentication from a regulatory agency (pg. 30, lines 26-28), a game code manufacturer (pg. 31, lines 1-2) and casinos (pg. 3, lines 24-33). In an analogous game authentication reference, Rackman teaches doubly encrypting the message to insure both privacy and authentication (col. 6, lines 1-13). It would have been obvious to one of ordinary skill in the art to add a third encryption to increase the layers of encryption and

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therefore increase security. One would have seen the benefit of the third layer of encryption supported by the casino, game regulatory authority and/or game code manufacturers because casino management and the governmental regulatory agencies are very concerned with electronic intruders tapping into the casino communication network and manipulating any player terminal, including a slot machine, to fraudulently declare a jackpot. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Martinek as modified by Rackman with a third encryption to provide casinos and regulatory agencies (and game code manufacturers) to insure privacy and authentication; thereby preventing tampering and fraudulent jackpots.

Claim 5: Martinek discloses an apparatus wherein said gaming system additionally comprises a central computer operatively coupled to each of said gaming apparatuses, said central computer comprising a memory, and wherein said controller is programmed to receive said downloadable gaming data from said memory of said central computer (pg. 11, lines 21-33).

Claims 6, 26, and 34: Martinek discloses an apparatus, comprising:

- a display unit (pg. 24, line 27);
- a value input device (pg. 24, line 27);
- a controller operatively coupled to said display unit and said value input device, said controller comprising a processor and a memory operatively coupled to said

processor, said controller being programmed to receive downloadable gaming data from a data storage device external to said gaming apparatus(pg. 25, lines 10, 11 and lines 27-31);

- said controller being programmed to receive encrypted gaming data from said data storage device, said encrypted gaming data having been generated by performing a data-abbreviating function on gaming data to form first abbreviated gaming data and by doubly encrypting said first abbreviated gaming data utilizing an encryption key of a gaming data authoring organization and an encryption key of a gaming regulatory organization (pg. 8, lines 13-27);
- said controller being programmed to decrypt said encrypted gaming data utilizing an encryption key of said gaming data authoring organization and an encryption key of said gaming regulatory organization to form decrypted gaming data(pg. 27, line 13 – pg. 28, line 7);
- said controller being programmed to perform a data-abbreviating function on said downloadable gaming data to generate second abbreviated gaming data(pg. 8, lines 13-27); and
- said controller being programmed to compare said decrypted gaming data with said second abbreviated gaming data to determine if said downloadable gaming data is authorized(pg. 8, lines 13-27).

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Martinek does not disclose double encryption as claimed. Instead, Martinek teaches single encryption (pg. 27, line 13 – pg. 28, line 7). In an analogous game security reference, Rackman (col. 6, lines 1-13) teaches doubly encrypting the message to insure both privacy and authentication. One of ordinary skill in the art would have seen the benefit of double encryption because it allows the receiver to authenticate the transmitter and the transmitter to allow only the receiver to decrypt the message. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Martinek with double encryption as taught by Rackman to insure both privacy and authentication.

Claims 7, 37: Martinek discloses an apparatus wherein said controller is programmed to receive encrypted gaming data that was generated by first encrypting said first abbreviated gaming data utilizing said encryption key of said gaming data authoring organization to form singly encrypted gaming data and then encrypting said singly encrypted gaming data with said encryption key of said gaming regulatory organization (pg. 30, lines 26-30).

Claim 8: Martinek discloses an apparatus wherein said controller is programmed to first decrypt said encrypted gaming data utilizing said encryption key of said gaming data authoring organization to form singly encrypted gaming data and then to decrypt said singly encrypted gaming data utilizing said encryption key of said gaming regulatory organization (pg. 30, lines 26-30).

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Claims 9, 28, 35, 36: Martinek discloses an apparatus wherein said data storage device comprises a computer located at a location remote from said gaming apparatus and wherein said controller is programmed to receive said downloadable gaming data from said computer (pg. 11, lines 21-33).

Claims 10, 29: Martinek discloses an apparatus wherein said data storage device comprises a portable data storage medium on which said downloadable data was stored when said portable data storage medium was at a location external to said gaming apparatus and wherein said portable data storage medium is physically moved so that it is operatively coupled to said gaming apparatus in order to transfer said downloadable gaming data to said controller (pg. 26, lines 19-30).

Claims 11, 30: Martinek discloses an apparatus wherein said controller is programmed to receive said encrypted gaming data along with said downloadable gaming data (pg. 27-29).

Claim 12: Martinek discloses an apparatus wherein said controller is programmed to receive downloadable gaming data that comprises substantially all gaming data necessary to facilitate play of a casino game (pg. 26, lines 15-18).

Claims 13, 31: Martinek discloses an apparatus wherein said controller is programmed to receive said encryption key of said gaming data authoring organization and said encryption key of said gaming regulatory organization (pg. 30, lines 26-30).

Claim 14: Martinek does not disclose an apparatus wherein said controller is programmed to receive from said data storage device encrypted gaming data that was

generated by triply encrypting said first abbreviated gaming data utilizing said encryption key of said gaming data authoring organization, said encryption key of said gaming regulatory organization, and an encryption key of a casino, and wherein said controller is programmed to triply decrypt said encrypted gaming data utilizing an encryption key of said gaming data authoring organization, an encryption key of said gaming regulatory organization, and an encryption key of said casino to form said decrypted data product.

Instead, Martinek teaches single encryption (pg. 27, line 13 – pg. 28, line 7) and authentication from a regulatory agency (pg. 30, lines 26-28), a game code manufacturer (pg. 31, lines 1-2) and casinos (pg. 3, lines 24-33). In an analogous game authentication reference, Rackman teaches doubly encrypting the message to insure both privacy and authentication (col. 6, lines 1-13). It would have been obvious to one of ordinary skill in the art to add a third encryption to increase the layers of encryption and therefore increase security. One would have seen the benefit of the third layer of encryption supported by the casino, game regulatory authority and/or game code manufacturers because casino management and the governmental regulatory agencies are very concerned with electronic intruders tapping into the casino communication network and manipulating any player terminal, including a slot machine, to fraudulently declare a jackpot. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Martinek as modified by Rackman with a third encryption to provide casinos and regulatory agencies (and game code

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manufacturers) to insure privacy and authentication; thereby preventing tampering and fraudulent jackpots.

Claim 15: Martinek discloses an apparatus wherein said display unit comprises a video display unit that is capable of generating video images (pg. 24, line 27).

Claims 16, 27: Martinek discloses an apparatus wherein said controller is programmed to cause a video image comprising an image of at least five playing cards to be displayed if said game comprises video poker, wherein said controller is programmed to cause a video image comprising an image of a plurality of simulated slot machine reels to be displayed if said game comprises video slots, wherein said controller is programmed to cause a video image comprising an image of a plurality of playing cards to be displayed if said game comprises video blackjack, wherein said controller is programmed to cause a video image comprising an image of a plurality of keno numbers to be displayed if said game comprises video keno, wherein said controller is programmed to cause a video image comprising an image of a bingo grid to be displayed if said game comprises video bingo (pg. 2, lines 13-30 and pg. 34, lines 23-33).

Claim 17: Martinek discloses an apparatus wherein said display unit comprises at least one mechanical slot machine reel (pg. 34, line 28).

Claim 18: Martinek discloses an apparatus wherein said gaming system additionally comprises a central computer operatively coupled to each of said gaming apparatuses, said central computer comprising a memory, and wherein said controller is programmed

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to receive said downloadable gaming data from said memory of said central computer(pg. 11, lines 21-33).

Claim 20: Martinek discloses an apparatus wherein said controller is programmed to cause, if said first gaming data is authorized, said display unit to generate a game display representing one of the following games: poker, blackjack, slots, keno or bingo (pg. 2, lines 13-30 and pg. 34, lines 23-33).

Claims 23, 45: Martinek discloses an apparatus wherein said display unit comprises a video display unit that is capable of generating video images(pg. 24, line 27).

Claims 24, 43, 47: Martinek discloses an apparatus, wherein said controller is programmed to cause a video image comprising an image of at least five playing cards to be displayed if said game comprises video poker, wherein said controller is programmed to cause a video image comprising an image of a plurality of simulated slot machine reels to be displayed if said game comprises video slots, wherein said controller is programmed to cause a video image comprising an image of a plurality of playing cards to be displayed if said game comprises video blackjack, wherein said controller is programmed to cause a video image comprising an image of a plurality of keno numbers to be displayed if said game comprises video keno, wherein said controller is programmed to cause a video image comprising an image of a bingo grid to be displayed if said game comprises video bingo(pg. 2, lines 13-30 and pg. 34, lines 23-33).

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Claim 25: Martinek discloses an apparatus wherein said display unit comprises at least one mechanical slot machine reel(pg. 34, line 28).

Citations

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: Campinos et al. (US 6,035,397), Karmarkar (US 6,508,709), Martinek et al. (US 7,043,641), Walker et al. (US 2004/0127277), Gatto et al. (US 2002/0174160).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K. 5/9/2006


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